

REMARKS

Claims 1-35 are pending in the present application. Claims 1, 6, 7, 9, 12-14, 20, 22, 25, 30 and 31 have been amended herewith. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 112, Second Paragraph

The Examiner rejected Claims 6, 12-13 and 30 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

Applicants have amended Claims 6, 12-13 and 30 to correct various antecedent basis issues pointed out by the Examiner. However, one item was not addressed in such amendment, that item being A(iii) regarding "The condition". Applicants respectfully submit that antecedent basis for "the condition" is provided by "a condition" that is included on line 8 of Claims 12 and 13 and thus such claims do recite proper antecedent basis for the identified "the condition".

Therefore, the rejection of Claims 6, 12-13 and 30 under 35 U.S.C. § 112, second paragraph has been overcome.

II. 35 U.S.C. § 103, Obviousness

The Examiner rejected Claims 1-35 under 35 U.S.C. § 103 as being unpatentable over Green et al (U.S. Patent 6,459,367). This rejection is respectfully traversed.

With respect to Claim 1, Applicants show that such claim is directed to three steps performed by a data processing system located *in a vehicle* (see preamble in combination with the three listed steps, for example). In rejecting Claim 1, step 2 ("responsive to detecting the condition..."), the Examiner cites Green column 5, lines 25-42 as teaching this claimed step. Applicants show error in such assertion, as there Green states:

An interrogation or transaction can be initiated with the interface by the enforcement agency personnel when in proximity of a monitored vehicle. Alternatively, the monitoring system may be arranged to continuously broadcast an interrogation signal, and the transaction may be automatically initiated by the interrogation system whenever

it is answered by a monitored vehicle which is within communication range. Whenever the transaction is initiated, communication with the monitored vehicle is established at block 67. If any communication error is detected at block 68, the process is returned to block 67. If no error is detected at block 68, data from the monitored vehicle is received at block 69. The received data is processed and displayed at block 70. The data is compared to the permissible limits previously set at block 62. If none of the monitored parameters is outside its permissible limit at block 71, the system record in the interrogation system is updated with the newly received data at block 65, that is, the new data is saved. If any of the monitored parameters is outside its permissible limit at block 71, an alert is produced at block 66, and the system record in the interrogation system is updated with the newly received data at block 65. Alternatively, newly received data may be selectively saved by the operator. (emphasis added by Applicants)

and this passage is directed to *an external interrogation system* that is not a part of the truck being monitored or its internal operations. The entire purpose of the teachings of the cited reference is to provide such interrogation system *external to* the monitored truck to facilitate remote data collection (Green Col. 1, lines 47-49, et seq.). Thus, in addition to not being taught/suggested by the cited reference, there would be no motivation to modify the teachings of Green to include such described interrogation system within Green's monitored truck system. Thus, it is shown that Green does not teach or suggest a method for distributed computing in a data processing system *located in a vehicle* comprising a step of "responsive to detecting the condition, initiating processing of the work unit to generate a result". Applicants have amended Claim 1 to further highlight this distinction.

Still further regarding Claim 1 and the claimed 'work unit' feature, the Examiner acknowledges that the single cited reference used in the 35 USC 103 rejection does not teach such feature. However, states the Examiner, Green teaches that his system receives data from monitored vehicle, and the data is processed as taught by Green at col. 5, lines 31-34. Thus, urges the Examiner, Green's system can provide the work unit as claimed "because the work unit is no more than receiving data from the monitored vehicle for processing by the Green system" (emphasis added by Applicants). This rationale is shown to clearly be off-target, as the present invention is directed to processing of work units *by the vehicle data processing system itself*, and thus an assertion of processing data

received from a vehicle does not establish a teaching or suggestion of the claimed work unit which is processed by the vehicle data processing system itself. The fact that a prior art device could be modified so as to produce the claimed device is not a basis for an obviousness rejection unless the prior art suggested the desirability of such a modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). There is simply no suggestion in Green of any desire to process work units by the vehicle data processing system, and in fact Green expressly teaches a desire to transmit data from a vehicle to an external interrogation system for external data processing (col. 1, lines 47-49) – strongly evidencing no motivation to modify the Green teachings in accordance with the claimed invention recited in Claim 1. Thus, it is further shown that Claim 1 has been improperly rejected.

Applicants initially traverse the rejection of dependent Claims 2-11 for reasons given above with respect to Claim 1 (of which Claims 2-11 depend upon).

Further with respect to Claim 7, Applicants urge that the cited reference does not teach or suggest the claimed feature of “wherein the processing resources are provided by a first processor in the data processing system and wherein the monitoring step, the initiating step, and the transmitting step are performed by a second processor in the data processing system”. In rejecting Claim 7, the Examiner alleges that this feature is taught by Green at col. 2, line 65 – col. 3, line 10; col. 4, lines 58-60; and col. 7, lines 22-30. Applicants show error in such assertion as follows. The cited passage at cols. 2 and 3 of Green describes a single processor 20 connected to various sensors such as speed sensor 21 and weight sensor 22. In contrast, Claim 7 expressly recites two processors in the vehicle data processing system – a first processor (which provides the processing resources) and a second processor (which monitors, initiates and transmits). The cited passage at col. 4 of Green describes transmitting of data to an external interrogation system. This interrogation system is a standalone system resident in a location other than the vehicle being monitored, such as is shown by elements 12 and 14 in Figure 1 (and as described by Green at col. 2, lines 46-61). Thus, it is shown that this cited passage at Green col. 4 does not teach or suggest the claimed vehicle data processing system comprising a first processor (which provides the processing resources) and a second processor (which monitors, initiates and transmits). Finally, the cited passage at col. 7 of

Green describes a single processor ("a first processor"), and thus does not teach or suggest the claimed vehicle data processing system comprising a first processor (which provides the processing resources) and a second processor (which monitors, initiates and transmits). Therefore, Claim 7 is further shown to have been erroneously rejected under 35 USC 103, as there are further claimed elements not taught or suggested by the cited reference.

Applicants traverse the rejection of Claim 9 (and dependent Claims 10 and 11), 13, 22 (and dependent Claims 23 and 24) and 33 (and dependent Claims 34 and 35) for similar reasons to those given above with respect to Claim 1.

Applicants traverse the rejection of Claim 12, 14 (and dependent Claims 15-21) and 25 (and dependent Claims 26-32) for similar reasons to those given above with respect to Claim 1.

Applicants further traverse the rejection of Claims 20 and 31 for similar reasons to the further reasons given above with respect to Claim 7.

Therefore, the rejection of Claims 1-35 under 35 U.S.C. § 103 has been overcome.

III. Conclusion

It is respectfully urged that the subject application is patentable over the cited reference and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



Duke W. Yee
Reg. No. 34,285
Wayne P. Bailey
Reg. No. 34,289
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorneys for Applicants